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April 8, 2016 3:13 PM

CLERK OF COURT  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: \_\_\_\_\_ clp \_\_\_\_\_

IN THE United States District Court  
for the Western District of Michigan

CHERYL MARIE of the  
Lynch family, *et al.*,

Case No. 1:16-CV-282

Plaintiffs,

ROBERT J. JONKER

v.

BRET WITKOWSKI,

Defendant.

**Notice with Claim to Court and Clerk as to Assigned Article III Judge**

We, plaintiffs Cheryl Marie and Michael Patrick, in our own right and full societal power, hereby give Notice for and on the record of our Claim that the judge who Clerk Dorwin assigned to this case has breached the trust we have reposed in a judge presiding over the Court's Article III judicial power. Judge Jonker has shown unwillingness to preside over our case, per his JUDGMENT and ORDER filings. This Notice with Claim pertains to our filing of our *More Definite Statement of this Court's Diversity Jurisdiction as to ORDER TO SHOW CAUSE at Docket No. 5* (Docket No. 14), and the resulting ORDER OF DISMISSAL of the case (Docket Nos. 15, 16).

**FURTHER and INCIDENTAL NOTICE:** This Notice with Claim is not a complaint for response by Judge Jonker, or a notice of appeal.

The Court, and Clerk of Court Thomas L. Dorwin, are noticed of the following.

To Wit:

1. Judge Jonker, within his ORDER OF DISMISSAL (Doc. 15 and 16), continues to claim as first occurred per his ORDER of March 21 (Docket No. 5), that “This is nothing more than two Michigan citizens attempting to block the Berrien County Treasurer from collecting delinquent property taxes.”. We claim, Judge Jonker indicates breach of our trust reposed in his official capacity to meaningfully engage with our filings, relevant to our initial trust-forming document showing as Docket No. 1 #8 Attachment 1 with Exhibits A-D. That document bears our header: “*Ex Parte Document: Suit Initiating Matters*”. Judge Jonker indicates no willingness to engage with our case.
2. Judge Jonker claims there is no federal subject matter that is raised within our clarifying statement of the Court's jurisdiction (Docket No. 14). On the first page of our response to the Judge's SHOW CAUSE ORDER, the federal question is expressed as the defendant's 1<sup>st</sup>, 5<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> Amendment violations. Our document additionally contains the pertinent State of Michigan statute, MCL 211.78, requiring the defendant meet the “minimum requirements of due process accorded under the constitution of the United States”. The constitutional diversity jurisdiction we also assert, with respect to the land we control, is an element as to the defendant's duty to meet constitutional minimum due process, but does not eliminate federal question jurisdiction that the Court recognizes as 28 U.S.C. §1331 for the case to proceed.

3. Judge Jonker's inclusion, for a second time, of a certain case citation that has no similarity to our cause supports our claim that Judge Jonker does not accept the duty of care that our case commands of an Article III Judge. That citation involves a quiet title action between non-diverse citizens of Michigan; it raises the question of federal tax law. Our case clearly raises a due process issue, which makes it a federal question. The fact that Judge Jonker's ORDER issued the same day as our well-presented jurisdiction clarification filing, plus his very weak basis for claiming there is no federal question, supports our claim that he is unwilling to engage with the case at all. An Article III judge should have at least recognized the due process basis of jurisdiction, thus allowing the diversity matter to become evident or not evident as the case proceeds.

Given on this day: April 7, 2016

By: *Cheryl Marie: seal.*  
specially for [the] CHERYL MARIE  
of the Lynch family, *et al.*

By: *Michael Patrick: seal.*  
specially for [the] CHERYL MARIE  
of the Lynch family, *et al.*

Cheryl Marie and Michael Patrick: Lynch  
c/o 19409 US 12, New Buffalo, MI 49117

Cheryl Marie and Michael Patrick: Lynch; *Sui juris* plaintiffs  
c/o 19409 US 12, New Buffalo, MI 49117  
269-815-8776; mpandcm@gmail.com

Clerk of Court Thomas L. Dorwin  
United States District Court for Western Michigan  
110 Michigan NW, Grand Rapids, MI 49503

April 7, 2016

**Note: This communication is NOT for attention of any deputy clerk**

**Contractual-directive to assign an Article III presiding judge**

Clerk Thomas Dorwin:

Pursuant to our contract formed with you on March 17, 2016, consummated with public money of exchange, we hereby direct you to assign a willing Article III presiding judge to Case No. 1:16-cv-282. Our directive pertains to the content of the enclosed Notice with Claim document, for your filing into the case, incorporated herein by reference for your attention.

We claim the case remains open, since the Court's federal question jurisdiction exists. We direct you to file the enclosed document to the docket-report noted exactly as our header states.

The judge you assigned to the case, Judge Jonker, has never engaged with it, in spite of our good faith presentments to cause his willingness to preside over our *due process violation* cause. In your role as the Clerk of Court, note our claim of the fact that:

The judge made an initial claim, on March 21, one day after the case was opened, indicating his unwillingness to engage with our filings, per his baseless presumption that the matter is a "routine property tax dispute"(Docket No.5). It is impossible to find or infer that from our initial filings. The judge has maintained his unwillingness to preside. Within his order dated April 5, he makes a similar presumption, and also undermines the basis of the Court's existing jurisdiction. He has proclaimed there is no federal question presented – no *due process violation*, and *involuntary servitude* – which basis of federal question jurisdiction we assert right on the face of our response (Do. 14) to his SHOW CAUSE ORDER (Doc. 5), for his reason that we also assert "constitutional diversity" exists. The case-law citation he includes in that order, which was also in the previous order and bears no similarity to our case, shows laziness that indicates unwillingness to preside over the case at all.

You, Clerk Dorwin, are with right and duty, per this directive, to newly assign a presiding judge for the following reasons:

- 1) Judge Jonker's personal decisions violate our fundamental right to your assignment of an impartial presiding judge.
- 2) That judge has officially breached the trust we have placed in a presiding Article III judge. We have not accessed the Court in blind trust of its officers to act per their own will by ignoring or skimming the content of our filings, especially as to the Court's initial jurisdiction.
- 3) That judge has furthermore caused the time-frame to become critically short within which a willing presiding judge can responsibly act to prevent irreparable harm to our rights and interests by April 15. One of the documents we have enclosed (our More Definite Statement as to jurisdiction) contains that preventative action for the new assigned judge to consider.

Since time is now of the essence, we expect you to assign a presiding judge within 72 hours hence your receipt of this communication. Please provide the assigned judge with the four enclosed and critical documents that we have marked "For assigned Judge", which include a copy of our new filing and also a cover-communication as a time-saving guide to what is found within the documents. The other documents are already filed and appear on the docket. We presume that our filed Complaint documents, Docket Nos. 1 and 7, are electronically available to the assigned Judge. But if required, we will send a hard-copy upon your notice to us. Please note, we require the case to proceed from the Kalamazoo courthouse.

Find enclosed the new filing to the case: **Notice with Claim to Court and Clerk as to Assignment of Article III Judge to preside over this Case.** Our Proof of Mailing a copy of that to the defendant, along with this communication to you, is attached to this cover.

Thank you.

*Cheryl Marie: seal.*  
Cheryl Marie and Michael Patrick

*Michael Patrick: seal.*

**Proof of Mailing**

**Case No. 1:16-cv-282**

We, Cheryl Marie and Michael Patrick, hereby state that on the date shown below, we mailed a copy of the two documents:

- (1) Notice with Claim to Court and Clerk as to Assigned Article III Judge
- (2) Contractual-directive to assign an Article III presiding judge

upon Bret Witkowski, in his individual capacity and in his official capacity as Berrien County Treasurer, at his place of business: 701 Mail Street, St. Joseph, MI 49085, by First-class mail, postage prepaid thereupon.

We hereby claim, in our own right and power, that this statement is true.

Day authorized: April 7, 2016

By: *Cheryl Marie : seal.*  
specially for [the] CHERYL MARIE  
of the Lynch family, *et al.*

By: *Michael Patrick: seal.*  
specially for [the] CHERYL MARIE  
of the Lynch family, *et al.*

Cheryl Marie and Michael Patrick: Lynch; *Sui juris* plaintiffs  
c/o 19409 US 12, New Buffalo, MI 49117  
269-815-8776; mpandcm@gmail.com

Case 1:16-cv-282

April 7, 2016

**Description of Documents**

For the Judge presiding over Case 1:16-cv-282:

We, Cheryl Marie and Michael Patrick, of the Lynch family, are the plaintiffs for whom Clerk Dorwin initiated Case No. 1:16-cv-282. The four documents enclosed herewith this cover-communication apply to case-initiating matters. This cover-communication offers a quick reference to the content of the documents (but nothing new is stated herein), being provided only for time-saving benefit.

As the first document listed below expresses to the Court and Clerk Dorwin, the judge initially assigned to preside has indicated, twice, that he chooses to not preside. We consider that he has self-recused, or is recused if you have received this communication. Per another document enclosed and described below (shown within Docket No. 1), we make known that we have accessed the Court with our intentional grant of trust in all of the Court's officers being willing and able to assist us and the defendant resolve the cause.

The cause invokes at least the Court's cognizance of 28 U.S.C. §1331, as to alleged due process violation and involuntary servitude caused by the defendant, to get the case proceeding moving forward. The former judge claimed 1331 case-movement

is stalled-out, but apparently only because we have additionally asserted that the nature of the suit includes what we describe (or allege) is “constitutional diversity” jurisdiction in conjunction with 1331 federal question jurisdiction. That may seem odd, but the content of the documents we have filed offer clarity, or, the case proceedings will surface clarity.

**The case presents:**

The defendant has abused his public office and forced us to pay him money to prevent his seizure of our land, which he claims is “real property”;

There is a federal question because the defendant violated our recognized right (in the 5<sup>th</sup> and 14<sup>th</sup> Amendments) to due process and / or displayed reckless indifference to violations of our recognized right to due process (which involves also the 1<sup>st</sup> Amendment);

The end result of the defendant's action was that we were subjected to involuntary servitude in violation of the 13<sup>th</sup> Amendment to the federal Constitution.

Documents herewith, and the basic case matter referenced therein:

**(1) Notice with Claim to Court and Clerk as to Assigned Article III Judge**

We express in this the former judge's final position relevant to our trust reposed in whichever judge chooses to preside over our case.

**(2) More Definite Statement of this Court's Diversity Jurisdiction as to ORDER TO SHOW CAUSE at Docket No. 5**

This expresses, on its face, that we acknowledge the Court's 1331 federal question jurisdiction as being already existing when we wrote this.

It expresses some history (which we presumed the former judge desired) about the establishment of The United States of America and how the adoption of the United States Constitution has particular relevance to our claim of the



“constitutional diversity” existing as to our rights and interests as applicable to the duties of the defendant under 28:1331. The first three pages summarize the dual jurisdiction.

Page 4 references the trust-forming document listed herein below at (3).

Pages 7 and 8 reference an event **UPDATE** and that a **Temporary Restraining Order is requested to be provided**, and why it should issue; the defendant's initial answer to the Complaint is scheduled to occur by April 14, and we will incur harm by April 15 if no TRO issues.

This document expresses why the matter before the Court is not a property tax issue, as might be at first presumed. The focus is only on the land involved.

This also makes known, on Page 24, that we are with intent to include the State of Michigan's State Tax Commission as a defendant, but the inclusion does not affect the current defendant in either of his capacities or alter the Complaint on record. That same page, last paragraph, expresses the Court's subject matter as the defendant's failure to provide us “*minimum due process*” called for by the U.S. Constitution, as well as being required by a State statute referenced on that same page.

The last section also expresses why we rely on this federal Court for relief.

### **(3) *Ex Parte* Document: Suit Initiating Matters**

This document was provided to the Clerk of Court with the initial Complaint and other papers received on March 18<sup>th</sup>. It is our expression of the trust we grant to the Court's officers, and includes some purely administrative matters.

### **(4) Request for Temporary Restraining Order without notice / EXPEDITED CONSIDERATION REQUESTED**

This expresses, per a front-end summary (pages 1-5), and then with detail, the defendant's intention to cause our impending involuntary servitude by engaging in what we allege is his wrongful collection of our money in the guise of a 'tax'. This TRO was denied, but primarily because we inadvertently sued the defendant only in his individual capacity for acting outside the scope of his office under color of a State statute, without realizing the fact that he had to be sued also in his official capacity for us to make such claim. We immediately took action to cure that disability. The judge *ruled* on that TRO, which activated the Court's jurisdiction under 28:1331.

**Our covenant-sealed authorizations**, of the foregoing statements being true and correct, follow below, done in the Witness of the ever-living God, on our Honor to bear no false witness:

This day: April 7, 2016

By: *Cheryl Marie: seal.*  
specially for [the] CHERYL MARIE  
of the Lynch family, *et al.*

By: *Michael Patrick! seal.*  
specially for [the] CHERYL MARIE  
of the Lynch family, *et al.*